

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Hiroshi SANO et al.

Application No.: 09/971,020

Filed: October 5, 2001

For: THEOBROMINE SYNTHASE  
POLYPEPTIDE OF COFFEE PLANT  
AND THE GENE ENCODING SAID  
POLYPEPTIDE



Group Art Unit: 1638

Examiner: Ashwin D. Mehta

Confirmation No.: 3752

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**THIRD  
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TECH CENTER 1600/2900

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98.

The enclosed document is submitted pursuant to 37 C.F.R. § 1.97(c). The fee required by 37 C.F.R. § 1.97(c)(2) is enclosed.

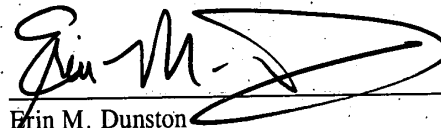
I, the undersigned, hereby state that the first publication, H. Kato *et al.*, "*Caffeine synthase gene from tea leaves*," 406 NATURE 956-967 (Aug. 2000), was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Third Information Disclosure Statement.

To assist the Examiner, this document is listed on the attached form PTO-1449. It is respectfully requested that an Examiner-initialed copy of this form be returned to the undersigned.

Respectfully submitted,  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: November 19, 2003

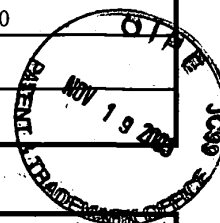
By:

  
Erin M. Dunston  
Registration No. 51,147

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Substitute for forms 1449A/PTO & 1449B/PTO	ATTORNEY'S DKT NO. 026350-068	APPLICATION NO. 09/971,020
	APPLICANT Hiroshi SANO et al.	
	FILING DATE October 5, 2001	GROUP 1638

### THIRD INFORMATION DISCLOSURE STATEMENT BY APPLICANT



#### U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)

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#### FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation Yes	No

#### NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	KATO, Misako, et al., "Caffeine synthase gene from tea leaves," 406 NATURE 956-957 (2000)

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.